

REMARKS

Claims 1-17 are pending in the current application. In an office action dated January 25, 2008 ("Office Action"), the Examiner made final a previously issued restriction requirement, rejected claims 1-5, 7-9, and 15-16 under 35 U.S.C. §103(a) as being unpatentable over Gagne et al., *Biochimica et Biophysica Acta* 1558, 2002, 198-210 ("Gagne") in view of Kirpotin, U.S. Patent No. 6,110,491 ("Kirpotin") and rejected claims 6 and 17 under 35 U.S.C. §103(a) as being unpatentable over Gagne in view of Kirpotin and further in view of Thibodeau, *Molecular Engineering*, 1991, 275-293 ("Thibodeau ") and Konigsberg et. al., U.S. Patent No. 5,258,499 ("Konigsberg").

Both the rejections of claims 1-5, 7-9, and 15-16 and the rejections of claims 6 and 17 depend principally on the reference Gagne. However, the currently claimed invention was reduced to practice in 1999, at least two years before the publication date of Gagne. Applicants enclose a Declaration of Prior Invention under 37 C.F.R. § 1.131 with regard to prior reduction to practice of the currently claimed invention. The Declaration of Prior Invention is supported by notebook entries, from June of 1999, that clearly show a reduction to practice of the method for lipid encapsulation of Indinavir, an invention disclosure form and invention disclosure, submitted to the University of Washington Office of Technology Transfer in March of 2000, and correspondence, directed to the University of Washington Office of Technology Transfer, related to the current patent application from May of 2000. Thus, Applicants believe that Gagne is not citable under 35 U.S.C. §103(a) and that the rejections of the current claims 35 U.S.C. §103(a) are therefore unsupported.

In Applicant's representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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Enclosures:

- Postcard
- Check
- Transmittal in duplicate
- Petition for Extension of Time in duplicate

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